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NOV 14 2007

OFFICE OF PETITIONS

In re Application of	:	
David L. Morris, Steve A.	:	
Daniel, and Daniel J. Balbierz	:	
Application No. 09/938,276	:	
Patent No. 7,278,991	:	DECISION ON RENEWED
Filed: August 22, 2001	:	PETITION
Issue Date: October 9, 2007	:	
Attorney Docket No. 13724 853	:	
Title: TISSUE SURFACE TREATMENT	:	
APPARATUS AND METHOD	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a)¹, filed October 9, 2007.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

Patent No. 7,278,991

Decision on Renewed Petition

On August 22, 2001, the application was filed, identifying David L. Morris, Steve A. Daniel, and Daniel J. Balbierz as joint inventors. The application was deposited without an executed oath or declaration. On April 27, 2007, a Notice of Allowability and Issue Fee Due was mailed, requiring, *inter alia*, a substitute oath or declaration. This Notice set a three-month period for reply.

An original petition was filed on June 29, 2007, and was dismissed via the mailing of a decision on September 4, 2007.

With this fifth renewed petition, Petitioner has submitted a declaration that contains the correct information for non-signing joint inventor Morris. Consequently, Petitioner has met each of the five requirements of Rule § 1.47(a), and has submitted all required fees. Therefore, this fifth renewed petition pursuant to Rule § 1.47(a) is **GRANTED** and this application is hereby accorded Rule § 1.47 status.

This Office will forward notice of this application's filing to the non-signing inventors at the addresses given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225².



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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Fremont, CA 94539

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OFFICE OF PETITIONS

In re Application of :
David L. Morris, Steve A. :
Daniel, and Daniel J. Balbierz :
Application No. 09/938,276 :
Patent No. 7,278,991 : LETTER
Filed: August 22, 2001 :
Issue Date: October 9, 2007 :
Attorney Docket No. 13724 853 :
Title: TISSUE SURFACE TREATMENT :
APPARATUS AND METHOD :

Dear Mr. Daniel:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries **regarding this communication** should be directed to the undersigned at (571) 272-3225. Requests for

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Patent No. 7,278,991
Letter

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information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).



Paul Shanowski
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United States Patent and Trademark Office

cc: PERKINS COIE LLP
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